Title III--Energy Savings Through Improved Standards for Appliance and Lighting

Subtitle B-Lighting Energy Efficiency

Sec. 321 General Service Incandescent Lamps

Covers

Incandescent or halogen lamps

- Intended for general service applications
- Medium screw bases
- Lumen range of 310-2600 (40 - 100W in today's wattages)
- Capable of operating in range of 110-130 volts

A general service incandescent lamp is not:

An appliance lamp
A blacklight lamp
A bug lamp
A colored lamp
An infrared lamp
A left-hand thread lamp
A marine lamp
A marine signal service lamp
A mine service lamp
A plant lamp
A reflector lamp
A rough service lamp
A shatter-resistant/shatter-proof/shatter-protected lamp
A sign service lamp
A silver bowl lamp
A showcase lamp
A 3-way lamp
A traffic signal lamp
A vibration service lamp
A G-shape with a diameter of 5 inches or more
A T-shape lamp of 40 watts or less and a length of >10 inches
A B, BA, CA, F, G16-1/2, G25, G30, S or M14 lamp of $\leq$ 40 watts

Candelabra base incandescent lamps shall not exceed 60 watts

Intermediate base incandescent lamps shall not exceed 40 watts

General Service Incandescent Lamp Standards and Effective Dates

Current Wattage	Rated Lumen Ranges	Maximum Rated Wattage	Minimum Rated Lifetime	Effective Date (Manufactured on or after)
100	1490-2600	72	1,000 hours	1/1/2012
75	1050-1489	53	1,000 hours	1/1/2013
60	750-1049	43	1,000 hours	1/1/2014
40	310-749	29	1, 000 hours	1/1/2014

- Modified Spectrum lamps (*Daylight* for OSI) lumen ranges are 25% lower and have the same maximum wattages as listed above
- Minimum requirement of 80 CRI except for modified spectrum, which will have a minimum CRI of 75.

Monitored Types

Effective for calendar years 2010-2025, the National Electrical Manufacturer Association (NEMA) shall provide U.S. unit sales data for five types that could become "loopholes" in the general service incandescent standards. These are rough service, vibration service, 3-way, 2601-3300 lumen and shatter-resistant lamps. Should sales double compared to the modeled unit sales for the same year, the DOE shall complete an accelerated rule making to establish energy conservation standards for these lamp types (see table below). Should the DOE fail to do so, predetermined backstop measures limited wattage and packaging quantities will go into effect.

Next DOE Rule Making to Begin 1/1/2014

Backstop Requirement for Next Rule Making

If the DOE fails to complete a rulemaking or if the final rule does not produce savings that are $\geq$ the savings from a minimum efficacy standard of 45 LPW, effective 1/1/2020, the Secretary shall prohibit the sale of any general service lamp that does not meet a minimum efficacy of 45 LPW.

State Preemption

States are preempted except

- California's Title 20 standards that have an effective date of January 1, 2008, remain in effect until the Federal standards become effective
- California and Nevada may adopt the same general service incandescent lamp standards in this bill no more than one year earlier than the Federal dates

This OSRAM SYLVANIA website provides substitution tables for products for California business.

http://www.sylvania.com/AboutUs/EnergyAndEnvironment/RegulationsLegislation/Energy/StateProductRegulations/default.htm

Sec. 322. Incandescent Reflector Lamp Efficiency Standards

Covers

- BR, ER and BPAR (OPAR is OSI terminology) lamps
- Reflector lamps between 2.25 (18/8) and 2.75 (22/8) inches in diameter
- Lamps that have a rated wattage that is 40 watts or higher

(The 1992 legislation covered R and PAR lamps grater than 2.75 (22/8s) in diameter, medium screw base, 40-205 watts, 115-130 volts.)

The minimum efficacy standards established in 1992 now apply to this larger group of reflector lamps.

Nominal Lamp Wattage	Minimum Average Lamp Efficacy (LPW)
40-50	10.5
51-66	11.0
67-85	12.5
86-115	14.0
116-155	14.5
156-205	15.0

Exceptions:

- BR30, BR40 and ER40 lamps rated at 65 watts
- ER30, BR30, BR40 and ER40 lamps rated at $\leq$ 50 watts
- R20 lamps rated at $\leq$45 watts

Please note that manufacturers can continue to make and sell 65BR30 lamps.

Effective Dates

- BR, ER and BPAR (OPAR) lamps and similar shapes, on and after 1/1/2008*
- Lamps between 2.25-2.75 inches, on and after 1/1/2008 or the date that is 180-days after the date of enactment of the Energy Independence and Security Act of 2007 (June 16, 2008)

  * Senate and House know that the 1/1/2008 effective date is not doable for the BR, ER and BPAR lamps; however, it was too late to make a change. We are assured that a technical corrections bill will be written within the first 2 months of 2008 that changes this to 180 days after the date of enactment of the bill, which is consistent with timing afforded to manufacturers. Such technical corrections will be retroactive. We also need clarification on whether the effective dates for reflector lamps are "manufactured by" dates, which is the case for all other lighting products in this bill.

State Preemption

State laws that regulate incandescent reflector lamps with effective prior to the effective dates for the Federal legislation will be enforced until the Federal legislation becomes effective.

State	Effective Date
California	Non-compliant products manufactured after 1/1/2008 may not be sold
Massachusetts	Non-compliant products manufactured after 1/1/2008 may not be sold or offered for sale and may not be installed for compensation on or after 1/1/2009 (Changed from sold to manufactured)
Oregon	Non-compliant products may not be manufactured on or after 1/1/2008
Rhode Island	Non-compliant products manufactured on or after 1/1/2008 may not be sold or offered for sale and may not be installed for compensation on or after 1/1/2009
Vermont	Non-compliant products manufactured on or after 1/1/2008 may not be sold or offered for sale and may not be installed for compensation on or after 1/1/2009
Washington	Non-compliant products manufactured on or after 1/1/2007 may not be sold or offered for sale and may not be installed for compensation after 1/1/2008

This OSRAM SYLVANIA website provides substitution tables for reflector lamps.
http://www.sylvania.com/AboutUs/EnergyAndEnvironment/RegulationsLegislation/Energy/StateProductRegulations/default.htm

Sec. 324 Metal Halide Lamp Fixtures

Covers

Metal Halide lamp fixtures operated with lamps ≥150 watts but ≤500 watts shall contain

- A pulse-start metal halide ballast with a minimum ballast efficiency of 88%
- A magnetic probe-start ballast with a minimum ballast efficiency of 94%
- A non pulse-start electronic ballast with
  - A minimum ballast efficiency of 92% for wattages > 250 watts
  - A minimum ballast efficiency of 90% for wattages ≤250 watts

Exclusions

Standards above do not apply to

- Fixtures with regulated lag ballasts
- Fixtures that use electronic ballasts to operate at 480 volts
- Fixtures that
  - Are only rated for 150 watt lamps
  - Are rated for use in wet locations
  - Contain a ballast that is rated to operate at ambient air temperatures above 50°C.

Effective Date

- Applies to fixtures manufactured on or after the later of 1/1/2009

Or

- The date that is 270 days after the date of enactment

Next DOE Rule Makings

- (1st) Not later than 1/1/2012, the secretary shall publish a final rule to determine whether the standards should be amended.

State Preemption

State laws that regulate metal halide lamp fixtures with effective prior to the effective dates for the Federal legislation will be enforced until the Federal legislation becomes effective.

State	Effective Date
Arizona	May not be sold effective 1/1/2008.
California	Manufactured after 1/1/2008 may not be sold. (Vertical positions only, 1/1/2006)
New York	Applies to vertical positions only. May not be sold or installed effective 1/1/2008.
Oregon	May not be sold effective 1/1/2008. May not be installed for compensation effective 1/1/2009.
Rhode Island	Applies to vertical positions only. Manufactured on or after 1/1/2008 may not be sold. May not be installed for compensation effective 1/1/2009.
Washington	Non-complaint products manufactured after 1/1/2008 may not be sold.

Sec. 316 Technical Corrections

A few clarifications were included relative to lighting standards or requirements set by older versions of H.R. 6. These include the following:

Specialty Mercury Vapor Lamps and Ballasts

EPAct 2005 included a provision that no new ballasts for mercury vapor lamps be imported or manufactured for use in the U.S., effective January 1, 2008. Standard mercury vapor systems were the target, but specialty lamps were inadvertently swept into the definition. Two technical corrections are included in the Energy Independence and Security Act of 2007 relating to mercury vapor:

1. Mercury vapor lamps are now defined as having screw bases, thereby exempting ballasts for special uniquely based lamps that are used in such applications as UV curing and chip manufacturing.
2. If a standard screw based mercury vapor lamp is used in a specialty application, then the ballast for that lamp must now be labeled "Not for general illumination," and must specify on the label the specialty applications for which the ballast is designed.

Sec. 323 Public Building Energy Efficient and Renewable Energy Systems
§ 3313. Use of Energy Efficient Lighting Fixtures and Bulbs

Each public building constructed, altered or acquired by the Administrator of General Services shall be equipped, to the maximum extent feasible, with lighting fixtures and bulbs that are energy efficient.

Each lighting fixture or bulb that is replaced in the normal course of maintenance shall be replaced, to the maximum extent feasible, with a lighting fixture or bulb that is energy efficient.

When evaluating products, the Administrator shall consider

- Life-cycle cost effectiveness
- Compatibility with existing equipment
- Possibility of interference with productivity
- Aesthetics
- Other appropriate factors

A lighting fixture or bulb shall be treated as energy efficient if it is

- Certified under the Energy Star program
- LED luminaires, lamps and systems whose efficacy and CRI meet DOE requirements and performance is verified
- The Administrator and Secretary otherwise determine that the fixture or bulb is energy efficient

Effective Date
One year after the date of enactment

Frequently Asked Questions: Lighting Choices to Save You Money

Below are some of the most frequently asked questions and answers about the new lighting efficiency standards. Learn more about your lighting choices and find out how to shop for lights by lumens, not watts.

- Why are my lighting choices changing?
- What is the Energy Independence and Security Act of 2007 (EISA 2007)?
- When will the new bulbs be phased in?
- What will the lighting standards mandated by EISA 2007 mean to consumers?
- Does this affect all light bulbs? What about specialty bulbs?
- What is a lumen? How does it relate to watts?
- How do I choose which lights to buy?
- Will all older lighting fixtures accept the newer, more efficient bulbs? What if my lampshade connects right to the bulb?
- How exactly are these new bulbs "better" than traditional incandescent bulbs?
- What is the cost difference between the new lights and my incandescent bulbs? How much money will I save when I switch to these new bulbs?
- How many times longer does a CFL or LED last vs. an incandescent?
- I understand CFLs contain mercury. What should I do if a CFL breaks?
- What is the recommended proper disposal of CFLs?

Q: Why are my lighting choices changing?

A: For many years, researchers have been working on new lighting options that produce the same light, with less energy. Many of those designs are now on the market. ENERGY STAR-qualified compact fluorescent lights (CFLs) and light emitting diodes (LEDs), as well as halogen incandescent bulbs provide the range of choices consumers expect from more traditional bulbs, including a variety of colors, bulb types, and light levels — all while using less energy and reducing electricity costs.

Technology continually evolves — such as the change from VCRs to DVDs, or analog to digital TV — and the new, higher efficiency standards set by the bipartisan Energy Independence and Security Act of 2007 (EISA 2007) reflects the innovation in lighting.

Q. What is the Energy Independence and Security Act of 2007 (EISA 2007)?

A: In 2007, Congress passed the bi-partisan Energy Independence and Security Act (EISA), which included new, higher efficiency standards for the basic light bulbs we use today (think of the Edison light bulb). Beginning in January 2012, these new standards will require these bulbs to be roughly 25 percent more efficient. That is, they will be required to consume less electricity (measured in watts) for the amount of light produced (measured in lumens).

Using light bulbs that comply to EISA's standards could save consumers nearly $6 billion in 2015. In your own home, *upgrading 15 inefficient incandescent bulbs could save you about $50 per year.*

The part of EISA 2007 that pertains to the most common light bulbs — general service lamps — is here:

GENERAL SERVICE INCANDESCENT LAMPS

Rated Lumen Ranges		Maximum Rate Wattage (consumed)	Minimum Rate Lifetime	Effective Date
1490-2600	72	100	1,000 hrs	1/1/2012
1050-1489	53	75	1,000 hrs	1/1/2013
750-1049	43	60	1,000 hrs	1/1/2014
310-749	29	40	1,000 hrs	1/1/2014

The table above, directly from the EISA 2007 legislation, generally corresponds from top to bottom, to 100, 75, 60 and 40 watt traditional incandescent bulbs. Many of these bulbs will not meet the efficiency standards set by EISA 2007 when they take effect from 2012 to 2014, and therefore will no longer be available for sale. Newer lighting choices will be available to save you money.

Q: When will the new bulbs be phased in?

A: Newer energy-saving light bulb choices that save about 25% to 75% in energy costs are on the market today. These bulbs provide the range of choices in colors, styles, and light levels you've come to expect.

Beginning January 1, 2012, the most common light bulbs we use will be required to be about 25% more energy efficient to meet the new standards. The more traditional inefficient 100 watt bulbs — typically incandescent bulbs — will give way to choices that use only 72 watts to provide you a comparable amount of light (lumens). Traditional, inefficient 100 watt incandescent light bulbs will not meet the standards and will no longer be available at most stores.*

Similar standards will phase in for other types of light bulbs over the next three years. Traditional 75 watt incandescent light bulbs will no longer be available as of January 1, 2013. Traditional 40 and 60 watt incandescent light bulbs will no longer be available as of January 1, 2014.**

* The EISA 2007 act specifically limits the import or manufacture of inefficient bulbs. Stores will be able to sell remaining inventory.

** In California, the new lighting standards will take effect on January 1, 2011, 2012, and 2013 respectively.

Q: What will the lighting standards mandated by EISA 2007 mean to consumers?

A: Consumers who switch to the energy-saving bulbs will immediately spend less money on their monthly energy bills for the same amount of light. Upgrading 15 traditional incandescent bulbs in your home with energy-saving bulbs could save you about $50 per year.

Consumers will have the choice to continue using traditional incandescent bulbs for as long as they last, or switch to more efficient bulbs. These new standards apply specifically to lighting manufacturers and wholesalers, who will not be permitted to sell bulbs that do not meet the minimum efficiency standards. As a result, consumers will see fewer incandescent bulbs on the store shelves as the applicable dates approach.

Q: Does this affect all light bulbs? What about specialty bulbs?

A: No, the new standards do not affect all bulbs. Various specialty bulbs are exempt, including appliance bulbs, heavy-duty bulbs, colored lights, three-way bulbs, and others.

The new energy efficiency standards will affect conventional, pear-shaped medium size screw-in, light bulbs, and some reflector bulbs like the ones we use in traditional lighting fixtures in our homes.

Exemptions: There are 22 types of traditional incandescent lamps that are exempt. DOE will monitor sales of these exempted lamp types after the legislation is implemented. If it is determined that of any one of these exempted lamp types doubles in sales, EISA requires DOE to establish an energy conservation standard for the particular lamp type. This provision will prohibit any one of these exempted lamp types from taking market share from the general service lamps that are affected by the EISA efficiency standards.

- Appliance lamp
- Black light lamp
- Bug lamp
- Colored lamp
- Infrared lamp
- Left-hand thread lamp
- Marine lamp
- Marine's signal service lamp
- Mine service lamp
- Plant light lamp
- Reflector lamp
- Rough service lamp
- Shatter-resistant lamp (including shatter-proof & shatter-protected)
- Sign service lamp
- Silver bowl lamp
- Showcase lamp
- 3-way incandescent lamp
- Traffic signal lamp
- Vibration service lamp
- G shape lamp (as defined in ANSI C78.20-2003 and C79.1-2002) with a diameter of 5" or more
- T shape lamp (as defined in ANSI C78.20-2003 and C79.1-2002) and that uses no more than 40W or has a length of more than 10"

- B, BA, CA, F, G16-1/2, G-25, G-30, S, or M-14 lamp (as defined in ANSI C78.20-2003 and C79.1-2002) of 40W or less

Q: What is a lumen? How does it relate to watts?

A: Learn about lumens in our section on Shopping for Lights.

Q: How do I choose which lights to buy? What are my options today to replace 100, 75, 60, and 40-watt bulbs?

A: Please see our advice in our section on Shopping for Lights.

Q: Will all older lighting fixtures accept the newer, more efficient bulbs? What if my lampshade connects right to the bulb?

A: Most older lighting fixtures accept the newer bulbs. The newer energy-saving bulbs will work with conventional, medium screw-based sockets. Manufacturers have worked to build products that are about the same size as the bulbs they are replacing to make it easy on consumers. If in doubt, take the bulb you are replacing to the store and ask for assistance.

If your lampshade connects directly to the bulb, look for a replacement with a similar "bulb" shape. Even CFLs, with their now familiar curly shape come packaged in "bulb" shapes for that purpose.

Q: How exactly are these new bulbs better than traditional incandescent bulbs?

A: Traditional incandescent bulbs use a lot of energy to produce light. 90% of the energy is wasted as heat. That lost energy *is money we are throwing away.*

Newer energy-saving bulbs such as ENERGY STAR-qualified CFLs and LEDs, as well as halogen incandescent technologies, can produce the same amount of light (lumens) as a traditional incandescent bulb while using significantly less energy. So when you replace your traditional incandescent bulbs with the energy-savers, you will pay less to get the same amount of light. Upgrading 15 inefficient incandescent bulbs in your home with energy-saving bulbs could save you about $50 per year.*

Many of the newer bulbs also last significantly longer than traditional bulbs, so you won't need to replace them as often, and will keep saving into the future. ENERGY STAR LEDs use about 25% of the energy and last up to 25 times longer than traditional incandescent bulbs they replace. An ENERGY STAR CFL uses about 25% of the energy and lasts 10 times longer than a comparable traditional incandescent bulb.

Switching to energy-saving bulbs will reduce the growth of U.S. energy demand and avoid carbon emissions. Nationwide, *lighting accounts for about 14% of all building electricity use (about 10% of home electricity). With the EISA standards, U.S. households could save nearly $6 billion dollars in 2015 alone.*

Q: What is the cost difference between the new lights and my incandescent bulbs? How much money will I save when I switch to these new bulbs?

A: Upgrading 15 traditional incandescent bulbs in your home with energy-saving bulbs could save you about $50 per year.

While the initial price of the newer light bulbs is typically higher than the inefficient incandescent bulbs you are replacing, you'll spend less each year to operate them. Most CFLs pay for themselves with the energy they save in less than 9 months.

Average consumers will spend about $4.80 to operate a traditional incandescent bulb for a year (electricity cost). By comparison, average consumers will spend about $1.00 to operate an ENERGY STAR LED bulb, about $3.50 on a halogen incandescent bulb, and about $1.20 on an ENERGY STAR CFL bulb — each that produces about the same amount of light.

Approximate Operating Cost Per Year (in U.S. dollars)

Traditional Incandescent	Halogen Incandescent	ENERGY STAR CFL	ENERGY STAR LED
$4.80	$3.50	$1.20	$1.00

Also, an ENERGY STAR CFL bulb will typically last up to 10 times longer and an ENERGY STAR qualified LED bulb will last as much as 25 times longer than an incandescent bulb with the same light output (or lumens). Since the newer bulbs typically last longer, you have to replace them less frequently. Even with higher upfront purchase price added in, energy saving halogen incandescents, LEDs, and CFLs remain less expensive to consumers over the life of the individual bulb. Learn more about lighting choices that save you money.

Q. How many times longer does a CFL or LED last vs. an incandescent?

A. An ENERGY STAR-qualified CFL lasts ten times longer than a traditional incandescent bulb that puts out the same amount of light. An ENERGY STAR-qualified LED bulb will last as much as 25 times longer than a comparable traditional incandescent bulb.

Q: I understand CFLs contain mercury. What should I do if a CFL breaks?

A: One of the types of replacement bulbs is the compact fluorescent lamp (CFL). CFLs contain a very small amount of mercury (4 milligrams on average), which is sealed within the glass tubing. By comparison, an older thermometer contains about 500 milligrams of mercury, an amount equal to 125 CFLs. Mercury is also in the common straight fluorescent tubes used in many kitchens, garages, and offices. Mercury is essential to CFLs, because it allows the bulb to be an efficient light source.

No mercury is released when the bulb is intact or in use. Please see the following suggestions from EPA for cleaning up and recycling a CFL. If you aren't comfortable with CFLs, you do have other lighting choices.

CFLs actually reduce the total amount of lighting-related mercury entering the environment. They use about 75% less energy than traditional incandescents, so electric utilities can burn less coal and thus emit less mercury.

Energy-saving incandescent (halogen incandescent) bulbs and LEDs do not contain mercury.

Q: What is the recommended proper disposal of CFLs?

A: Virtually all components of a fluorescent bulb can be recycled. CFLs and other fluorescent light bulbs also contain a very small amount of mercury, so it is important to recycle them at the end of their lifespan. Since an ENERGY STAR CFL lasts 10 times longer than a comparable traditional incandescent bulb, CFLs have to be recycled less frequently than most people are used to disposing traditional incandescent bulbs. Many retailers recycle CFLs for free, and some municipalities have special recycling programs for CFLs. Please see the following suggestions from the EPA for recycling a CFL.

http://homerepair.about.com/od/electricalrepair/ss/2007_energybill.htm

QUESTION:
Are the manufacturing and/or the importing of incandescent light bulbs going to be illegal starting in 2012?

ANSWER: "Yes" and "No".

Unless the law gets repealed or groundbreaking new technology emerges besides the the GE High Efficiency Incandescent (HEI) which it promised and failed to deliver by 2010, the answer is "yes" for general use 100 Watt incandescents in 2012, and "yes" for 75 and 60 Watt bulbs by 2014, but "no" for many types of other incandescent bulbs even after 2014.

I think the answer will lie in some type of technological breakthrough such as hybrid electric lamp technology being developed by scientists at the University of Rochester. This new technology nearly doubles the efficiency of an incandescent lamp by blackening the tungsten filament with a short pulse laser. We need something besides CFL's because the consumer market is waking up and complaining.

In any case, I'll review this confusing and poorly written law and what it all means in more detail in this tutorial.

THE NEW LAW
On December 18, 2007, President Bush signed The Energy Independence and Security Act (P.L. 110-140, H.R. 6) into law. A love child of the most unpopular Congress and most unpopular President in history, the new law consists largely of mandates to increase fuel efficiency of vehicles, increase energy efficiency and to develop renewable energy like bio-fuels. It is also filled with billions and billions of dollars of taxpayer funded grants and loans.

One of the most controversial components of the law is the **required improvement in residential lighting energy efficiency**. A well-meant intention I suppose, but at this time leaves us with the CFL as the only pseudo-affordable technology that can meet the efficiency hurdle, and the CFL is environmentally and application challenged.

If the CFL is such a great technology, why after 30 years does it require a law to "outlaw" the competition? Apparently because the free market won't. It seems the mercury containing CFL, (not domestically produced and almost exclusively made in China where environmental controls are missing and where factories are powered with dirty coal burning, mercury and carbon emitting Chinese power plants), is what we are having forced upon us.

And the new law appropriates tens of millions of dollars for a multi-year publicity campaign to convince you what a great idea this is! **Unfortunately what is not in the law is funding for required recycling or awareness of mercury hazards or proper disposal.**

So with the CFL "solution" we will have billions of CFL's polluting our landfills and leaking mercury back into our environment. And when a CFL breaks in the home these "safe and green" light bulbs require an EPA clean up plan consisting of 12-steps including room evacuation.

Phasing Out Existing Incandescent Technology:
One of the most controversial provisions in the law is the requirement that starting in 2012, "general service incandescent lamps" (according to the government this means a standard incandescent or halogen type lamp) **will have to be at least 30% more energy efficient** than today's incandescent versions.

This phase out of **existing technology** incandescent bulbs will start with:

- the 100 watt bulb on 1/1/2012;
- the 75 watt bulb on 1/1/2013; and
- the 60 watt and 40 watt bulbs on 1/1/2014.

By 2020 all bulbs will have to be at least 70% more efficient than today's incandescent bulbs.

Does this mean all incandescent light bulbs? No, of course not. Like any government "mandate" there are "**Exemptions**."

Why? Well, because the government realizes that CFL's (which are the only current affordable lighting source that meet these hurdles) have serious functional limitations and cannot be used in many situations, so exceptions are needed.

Let's review these exemptions...

Exempt Incandescent Light Bulbs
One major point of consumer confusion is the misconception that all existing incandescent bulbs will go away in 2012.

CFL's do not have the versatility of incandescents and as a result, there are many types of incandescent bulbs exempt from the law. CFL's are limited in their range of applications. They have bulky shapes, require dry, non-enclosed fixtures, can burn out in months instead of the years advertised, are of large size and are unable to withstand vibration or impact and take up to 3 minutes to reach operating brightness.

The following incandescent bulbs are exempt from the phased law requiring 30% increase in "general service incandescent lamp" efficiency by 2012:

(ii) EXCLUSIONS- The term `general service incandescent lamp' does not include the following incandescent lamps:

1. (I) Appliance lamp (e.g. refrigerator or oven light)
2. (II) Black light lamp.
3. (III) Bug lamp.
4. (IV) Colored lamp.
5. (V) Infrared lamp.
6. (VI) Left-hand thread lamp.
7. (VII) Marine lamp.
8. (VIII) Marine signal service lamp.
9. (IX) Mine service lamp.
10. (X) Plant light lamp.
11. (XI) Reflector lamp.
12. (XII) Rough service lamp.
13. (XIII) Shatter-resistant lamp (including a shatter-proof lamp and a shatter-protected lamp).
14. (XIV) Sign service lamp.
15. (XV) Silver bowl lamp.
16. (XVI) Showcase lamp.
17. (XVII) 3-way incandescent lamp.
18. (XVIII) Traffic signal lamp.
19. (XIX) Vibration service lamp.
20. (XX) Globe shaped "G" lamp (as defined in ANSI C78.20-2003 and C79.1-2002 with a diameter of 5 inches or more.
21. (XXI) T shape lamp (as defined in ANSI C78.20-2003 and C79.1-2002) and that uses not more than 40 watts or has a length of more than 10 inches.
22. (XXII) A B, BA, CA, F, G16-1/2, G-25, G30, S, or M-14 lamp (as defined in ANSI C79.1-2002 and ANSI C78.20-2003) of 40 watts or less.

23. (XXIII) Candelabra incandescent and other lights not having a medium Edison screw base.

CFL Mercury Hazards Report to the Government Due December 2008

The government realizes the mercury hazard of CFL's as the 2007 Energy Bill requires a Report to Congress in one year from enactment explaining mercury use and release.

"Not later than 1 year after the date of enactment of this Act, the Secretary, in cooperation with the Administrator of the EPA, shall submit to Congress a report describing recommendations relating to the means by which the Federal Government may **reduce or prevent the release of mercury** during the manufacture, transportation, storage, or disposal of light bulbs."

Yet CFL advocates continue to irresponsibly tout the mercury hazard in a CFL as a non-issue.

Be prepared for the ongoing CFL PR blitz. The law also provides million of dollars for you to make "energy efficient lighting choices" such as using the CFL. Let's look at that next

Kunkel, Mark

From: Hurley, Peggy
Sent: Wednesday, July 27, 2011 9:32 AM
To: Kunkel, Mark
Subject: RE: Drafting question

I think it's okay to say "the attorney general" - there is plenty of precedent in the statutes. Is it important that the business (I'd use "person" because that definition covers actual people and corporations) be a resident, or only that the light bulbs be manufactured in this state? If the latter, I might word the subsection this way:

(5) Attorney general. Upon receipt of written notification that a person intends to manufacture an incandescent light bulb in this state, the attorney general may seek a declaratory judgment from the appropriate federal district court that this section is consistent with the constitution of the United States.

If it is important that the corp be both a "resident" of the state and manufacture the bulbs in this state, then maybe there's a special phrase I'm not aware of that is used for corporate citizens. Maybe Aaron would know that? Hope this helps.

From: Kunkel, Mark
Sent: Tuesday, July 26, 2011 3:18 PM
To: Hurley, Peggy
Subject: Drafting question

Based on a Texas law, I am drafting a bill to declare that certain incandescent light bulbs which are manufactured in this state are not subject to a federal law which would otherwise prohibit their manufacture. The bill would accomplish this result with legislative findings that incandescent light bulbs that are manufactured in this state and that remain with the state's borders have not traveled in interstate commerce and are therefore not subject to the authority of the U.S. Congress to regulate interestate commerce.

One part of the bill includes my first attempt at the following provision:

"(5) Attorney general. On written notification to the attorney general by a resident of this state of the resident's intent to manufacture an incandescent light bulb in this state, the attorney general may seek a declaratory judgment from a federal district court in this state that this section [i.e., s. 138.08, which the bill creates] is consistent with the United States Constitution."

What do you think of the above? For example, should it refer to the Department of Justice instead of Attorney General? Also, is a business entity a "resident" of this state? And what about the rest of the language? Are there any changes that you can suggest?

State of Wisconsin
2011 - 2012 LEGISLATURE

LRB-2410/P1
MDK:...:...
WLJ

O-NOTE

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

SOON
IN 8-5

Gen Cat

AN ACT ...; **relating to:** certain incandescent light bulbs manufactured and sold in this state.

Analysis by the Legislative Reference Bureau

This is a preliminary draft. An analysis will be provided in a subsequent version of this draft.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 134.08 of the statutes is created to read:

134.08 Incandescent light bulbs. (1) LEGISLATIVE FINDINGS. (a) The ~~Tenth~~ 10th Amendment of U.S. ~~Amendment to the constitution of the United States~~ guarantees to the states and their people all powers not granted to the federal government elsewhere in the constitution and reserves to the state and ~~people~~ the people of Wisconsin certain powers as they were understood at the time that Wisconsin was admitted to statehood in 1848. The guaranty of those powers is a matter of contract between the state and ~~people~~ the people of Wisconsin and the United States dating from the time Wisconsin became a state.

(b) The ~~Ninth~~ 9th Amendment to the ~~constitution of the United States~~ U.S. Constitution guarantees to the people rights not granted in the constitution and reserves to the people of Wisconsin certain rights as they were understood at the time that Wisconsin became a state. The guaranty of those rights is a matter of contract between the state and people of Wisconsin and the United States dating from the time Wisconsin became a state.

(c) In 2007, the ~~United States~~ U.S. Congress passed the Energy Independence and Security Act, P. L. No. 110-140. Section 321 of that act, which is codified in pertinent part as 42 USC 6295 (i), bans the sale of certain incandescent light bulbs in the United States beginning in 2012.

(d) The legislature declares that an incandescent light bulb manufactured in Wisconsin that remains within the borders of Wisconsin has not traveled in interstate commerce and is not subject to federal law or federal regulation under the authority of the ~~United States~~ U.S. Congress to regulate interstate commerce.

(2) DEFINITIONS. In this section:

(a) "Generic and insignificant part" means an item that has manufacturing or consumer product applications other than inclusion in an incandescent light bulb.

(b) "Incandescent light bulb" means a standard incandescent or halogen light bulb that satisfies all of the following:

1. The light bulb is intended for general service applications.

2. The light bulb has lumen range of not less than 310 lumens and not more than 2,600 lumens.

3. The light bulb is capable of being operated at a voltage range at least partially within 110 and 130 volts.

(c) "Manufactured in this state" means, with respect to an incandescent light bulb, that the incandescent light bulb is manufactured in this state from materials located in this state and without the inclusion of any part imported from another state other than a generic and insignificant part.

(3) INAPPLICABILITY OF FEDERAL REGULATION. An incandescent light bulb that is manufactured in this state and remains in this state is not subject to federal law or federal regulation under the authority of the ~~United States~~ U.S. Congress to regulate interstate commerce.

(4) MARKETING. An incandescent light bulb manufactured and sold in this state must have the words "Made in Wisconsin" clearly stamped on it.

(5) ATTORNEY GENERAL. Upon receipt of written notification by a person that the person intends to manufacture an incandescent light bulb in this state, the attorney general may seek a declaratory judgment from the appropriate federal district court that this section is consistent with the ~~constitution of the United States~~ U.S. Constitution.

SECTION 2. Initial applicability.

(1) This act first applies to an incandescent light bulb that is manufactured on the effective date of this subsection.

SECTION 3. Effective date.

(1) This act takes effect on January 1, 2012 or the day after publication, whichever is later.

(END)

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-2410/P1dn
MDK:
WLJ

Date

Rep. Fitzgerald:

Please review this draft, which is based on recent legislation in Texas (2011 Texas HB No. 2510), and note the following:

1. ~~A strong case can be made that a court would find that the draft burdens interstate commerce in violation of the commerce clause of the U.S. constitution.~~ As noted in the Texas House Research Organization report on the Texas legislation, proponents argued that the Texas legislation could be upheld under a narrow interpretation of the ~~federal~~ commerce clause, and that protecting the rights of in-state manufacturers is a worthwhile constitutional fight. However, the report also notes that opponents argued that the Texas legislation was very likely unconstitutional. If you want me to research this issue, please let me know.

2. Please note the following about the draft's legislative findings:

a. The LRB's general rule is not to include legislative findings, but we do make an exception if we believe that findings would help sustain a bill against a constitutional challenge. Because the bill invites a challenge based on commerce clause grounds, I think legislative findings are appropriate. However, although expressing the goal of legislation may help a court rule on legislation, a court will make its own determination regarding constitutionality. *See, e.g., Brzonkala v. Va. Polytechnic Inst. & State Univ.*, 169 F.3d 820, 845 (4th Cir. Va. 1999), *aff'd sub nom. United States v. Morrison*, 529 U.S. 598 (2000).

b. I omitted the following legislative finding that is included in the Texas legislation: "The regulation of intrastate commerce is vested in the states under the Ninth and Tenth Amendments to the constitution of the United States if not expressly preempted by federal law. The United States Congress has not expressly preempted state regulation of intrastate commerce relating to the manufacture on an intrastate basis of incandescent light bulbs." The first sentence does not accurately describe the case law regarding the federal commerce clause. Under that case law, even if Congress has not expressly preempted a state action, a court may find that the state action is unconstitutional because it impermissibly burdens interstate commerce. Furthermore, courts have invalidated state action that is arguably local on the basis that the action has an impermissible effect on interstate commerce. *See, e.g., Gonzales v. Raich*, 545 U.S. 1, 17 (U.S. 2005). The second sentence is also not accurate, as the

federal law that sets forth energy efficiency standards for the light bulbs at issue provides that, with certain exceptions, state regulation concerning the energy efficiency or use of "covered products," which include the light bulbs, is not effective. See 42 USC 6297 (c).

c. Because I omitted the legislative finding described above, you may want to consider eliminating the findings in proposed s. 138.04 (1) (a) and (b), which deal with the Ninth and Tenth Amendments to the U.S. constitution. Because those findings serve to set up the legislative finding that I omitted, they may no longer be necessary. Let me know what you think.

3. Proposed s. 134.08 (4) provides that an incandescent light bulb manufactured and sold in this state must be stamped with the words, "Made in Wisconsin." However, who should be liable if a light bulb is sold without such a stamp? The manufacturer, the seller, or both? I think this issue should be clarified by specifying, for example, that a manufacturer, rather than the seller, must do the stamping. Please let me know your intent and I will revise the draft accordingly.

4. If an incandescent light bulb is sold without the required stamp, the person liable for the violation is subject to a civil forfeiture of no more than $200. See s. 939.61 (1), which specifies penalties for statutes that do not otherwise specify penalties. Is that okay, or do you want a different penalty to apply?

5. I made some minor changes to the language of the Texas legislation in proposed s. 134.08 (5). For example, the Texas legislation refers to an "incandescent light bulb to which [the Texas law] applies." However, I think it is clearer to refer to an incandescent light bulb that is intended to be manufactured in this state. Also, I'm not sure why the Texas legislation requires a written notification by a "resident." Instead, I drafted language that refers to written notification by any "person," which would include a natural person or business entity, who intends to manufacture incandescent light bulbs in this state. Is that okay?

After the above issues are resolved, I will revise the draft and prepare a version that may be introduced.

Mark D. Kunkel
Senior Legislative Attorney
Phone: (608) 266-0131
E-mail: mark.kunkel@legis.wisconsin.gov

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-2410/P1dn
MDK:wlj:jf

August 8, 2011

Rep. Fitzgerald:

Please review this draft, which is based on recent legislation in Texas (2011 Texas HB 2510), and note the following:

1. As noted in the Texas House Research Organization report on the Texas legislation, proponents argued that the Texas legislation could be upheld under a narrow interpretation of the commerce clause of the U.S. Constitution and that protecting the rights of in-state manufacturers is a worthwhile constitutional fight. However, the report also notes that opponents argued that the Texas legislation was very likely unconstitutional. If you want me to research this issue, please let me know.

2. Please note the following about the draft's legislative findings:

a. The LRB's general rule is not to include legislative findings, but we do make an exception if we believe that findings would help sustain a bill against a constitutional challenge. Because the bill invites a challenge based on commerce clause grounds, I think legislative findings are appropriate. However, although expressing the goal of legislation may help a court rule on legislation, a court will make its own determination regarding constitutionality. *See, e.g., Brzonkala v. Va. Polytechnic Inst. & State Univ.*, 169 F.3d 820, 845 (4th Cir. Va. 1999), *aff'd sub nom. United States v. Morrison*, 529 U.S. 598 (2000).

b. I omitted the following legislative finding that is included in the Texas legislation: "The regulation of intrastate commerce is vested in the states under the Ninth and Tenth Amendments to the constitution of the United States if not expressly preempted by federal law. The United States Congress has not expressly preempted state regulation of intrastate commerce relating to the manufacture on an intrastate basis of incandescent light bulbs." The first sentence does not accurately describe the case law regarding the federal commerce clause. Under that case law, even if Congress has not expressly preempted a state action, a court may find that the state action is unconstitutional because it impermissibly burdens interstate commerce. Furthermore, courts have invalidated state action that is arguably local on the basis that the action has an impermissible effect on interstate commerce. *See, e.g., Gonzales v. Raich*, 545 U.S. 1, 17 (2005). The second sentence is also not accurate, as the federal law that sets forth energy efficiency standards for the light bulbs at issue provides that, with certain exceptions, state regulation concerning the energy efficiency or use of "covered products," which include the light bulbs, is not effective. See 42 USC 6297 (c).

c. Because I omitted the legislative finding described above, you may want to consider eliminating the findings in proposed s. 138.04 (1) (a) and (b), which deal with the Ninth and Tenth Amendments to the U.S. Constitution. Because those findings serve to set up the legislative finding that I omitted, they may no longer be necessary. Let me know what you think.

3. Proposed s. 134.08 (4) provides that an incandescent light bulb manufactured and sold in this state must be stamped with the words, "Made in Wisconsin." However, who should be liable if a light bulb is sold without such a stamp? The manufacturer, the seller, or both? I think this issue should be clarified by specifying, for example, that a manufacturer, rather than the seller, must do the stamping. Please let me know your intent and I will revise the draft accordingly.

4. If an incandescent light bulb is sold without the required stamp, the person liable for the violation is subject to a civil forfeiture of no more than $200. See s. 939.61 (1), stats., which specifies penalties for statutes that do not otherwise specify penalties. Is that okay, or do you want a different penalty to apply?

5. I made some minor changes to the language of the Texas legislation in proposed s. 134.08 (5). For example, the Texas legislation refers to an "incandescent light bulb to which [the Texas law] applies." However, I think it is clearer to refer to an incandescent light bulb that is intended to be manufactured in this state. Also, I'm not sure why the Texas legislation requires a written notification by a "resident." Instead, I drafted language that refers to written notification by any "person," which would include a natural person or business entity, who intends to manufacture incandescent light bulbs in this state. Is that okay?

After the above issues are resolved, I will revise the draft and prepare a version that may be introduced.

Mark D. Kunkel
Senior Legislative Attorney
Phone: (608) 266-0131
E-mail: mark.kunkel@legis.wisconsin.gov

Kunkel, Mark

From: Bott, Eric
Sent: Tuesday, August 16, 2011 10:50 AM
To: Kunkel, Mark
Subject: LRB - 2410/P1dn - Incandescent Light Bulbs

Mark,

Thank you for drafting LRB 2410 and for raising several questions in your drafter's note.

I agree with the point you raised in item 2. b. Also, please omit the section referenced in 2. c. as you suggest.

Please specify that the manufacturer is liable for stamping "Made in Wisconsin" on light bulb manufacturing and that the seller is not.

A $200 penalty is fine.

I agree with the changes you raised in item 5.

Please let me know if you have any further questions or need anything else clarified.

Thank you,

Eric Bott
Policy Director
Office of Rep. Jeff Fitzgerald
Speaker of the Wisconsin State Assembly
(608) 261-5683

Energy Facts

Shedding New Light on the U.S. Energy Efficiency Standards For Everyday Light Bulbs

In 2007, the U.S. Congress adopted energy efficiency standards for new screw-based light bulbs. Beginning in 2012, these standards will phase out the inefficient incandescent light bulb that dates back more than 125 years, and require new bulbs to use 25 to 30 percent less energy. As there are more than 4 billion screw-based sockets in the United States, the transition to more efficient light bulbs will provide massive national benefits, including:

- electric bill savings of more than $10 billion per year;
- savings equivalent to 30 large power plants; and
- avoiding global warming pollution of approximately 100 million tons of carbon dioxide (CO_2) per year.

Replacing all the nation's inefficient bulbs with energy efficient ones will save as much electricity annually as that consumed by all the homes in Texas.

Why phase-out inefficient light bulbs?

Today's incandescent light bulb wastes up to 90 percent of the electricity it consumes as heat. Standards are needed because out of the 4 billion screw-based sockets in the United States, more than 3 billion contain these inefficient bulbs.

What do the new incandescent bulbs look like? Exactly like the old bulbs.

New 72-watt bulb

- Similar brightness
- Same shape and size
- New bulbs use at least 28 percent less electricity

Old 100-watt bulb

How does the standard work?

The standards are technology neutral, which means any type of bulb can be sold provided it meets the efficiency requirements. The standards do NOT ban incandescent light bulbs; they only require these bulbs to become more efficient. The standards also do not require consumers to buy compact fluorescent light bulbs (CFLs). The first phase of the standard requires new bulbs to use at least 25 to 30 percent less energy. In 2020, the second phase of the standard will go into effect and will require new light bulbs to use approximately 65 percent less energy than conventional incandescent bulbs.

How will the standard impact consumers?

Consumers will continue to have a wide selection of light bulbs from which to choose. These will include new and more efficient incandescent light bulbs that use halogen technology and look just like today's ordinary light bulbs, compact fluorescent light bulbs (CFLs), and light emitting diodes (LEDs). All these types of bulbs are already widely available at leading retailers such as Home Depot, Lowes, and Wal-mart, as well as most local hardware stores.

These new bulbs will also save consumers money. While some of the newer and more efficient bulbs may cost more to buy, they will save the consumer more in the long run. For example, because these bulbs last longer and are so much more efficient, a single CFL can save $30 or more in electricity over its lifetime.

Do lighting manufacturers support the standards?

Yes. Through their trade association, the National Electrical Manufacturers Association (NEMA), all the leading lighting manufacturers have publicly expressed their support. The standards provide the industry with several years lead time to transition their supply chains over to the more efficient alternatives.

For more information, please contact:

Noah Horowitz
(415) 875-6100
nhorowitz@nrdc.org

NRDC
THE EARTH'S BEST DEFENSE

www.nrdc.org/policy

January 2011

Energy Facts

Shedding New Light on the U.S. Energy Efficiency Standards For Everyday Light Bulbs

What about jobs?

The standards have jumpstarted domestic industry investment in research and development (R&D) and production of more efficient lighting products. As a result of the standard, a considerable number of new lighting-related jobs have been created. For example:

- Osram Sylvania has retooled their current St. Marys, Pennsylvania incandescent factory to produce new energy saving incandescents that will meet the standards.
- In 2011, TCP—one of the world's largest makers of CFLs—is opening a new CFL factory in Ohio to help meet the new demand.
- Several thousand U.S. jobs have been created by companies like Cree in North Carolina, Lighting Sciences Group Corp in Florida, and Philips Lighting (the world's biggest lighting company) to produce the next generation of energy efficient LED light bulbs.
- GE recently invested $60 million to create a Global Center of Excellence for linear fluorescent lamp manufacturing in Bucyrus, Ohio—an action that will double the number of jobs at that plant.

Will I have to buy a CFL?

No. A wide range of products meeting the technology-neutral standards are already on the market. These include CFLs, more efficient incandescents that use halogen technology, and LEDs—all of which are available from multiple manufacturers. Product offerings will only increase as the implementation date of the new standards approaches. Consumers will have their pick of multiple energy-efficient options.

Are CFLs a good choice?

Today, CFLs represent the best value for consumers as they use one-fourth the power of a comparable incandescent light bulb and last up to 10 times longer. As a result, each CFL will save the consumer at least $30 in the form of lower electricity costs over the life of the bulb. The new improved incandescents will save much less, but some consumers may still prefer to stick with products with which they are most familiar.

What about the mercury contained in a CFL?

CFLs require very low levels of mercury—2 to 5 milligrams—in order to operate. In comparison, older thermometers contained nearly 500 milligrams of mercury—equivalent to the amount in more than 100 CFLs combined.

Buying CFLs reduces the environmental impact of lighting because efficient bulbs reduce power plant emissions, including carbon dioxide, mercury, and sulfur dioxide. On a life cycle basis, CFLs cause less mercury to be emitted into the environment than incandescent bulbs because they need less electricity from coal burning power plants to operate. In addition, several major retailers including Lowes, Home Depot, and IKEA now offer free nation-wide collection points for CFL recycling. CFLs are completely safe to use as the low levels of mercury they contain remain in the bulb.

In the unlikely event a CFL is broken, the Environmental Protection Agency's website provides instructions for clean-up.

What about specialty lamps?

Specialty lamps designed to operate in unique environments are exempted from the standards. For example, items such as refrigerator or oven bulbs, aquarium lights, and airport runway lights are not covered.

When does the standard go into effect?

The effective dates for the standard are shown below. Each of these dates goes into effect one year earlier in California.

Today's Bulbs		After the Standard	Effective Date
100 W	→	≤ 72 W	1/1/2012
75 W	→	≤ 53 W	1/1/2013
60 W	→	≤ 43 W	1/1/2014
40 W	→	≤ 29 W	1/1/2014

NRDC
THE EARTH'S BEST DEFENSE

Printed on recycled paper

PEGASUS LIGHTING

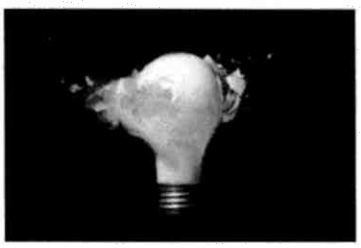
Light Reading

Mar 21 2011

Truth & Lies: The Incandescent Phase Out, Part 1

Lighting News Add comments

If you're new here, you may want to subscribe to our RSS feed. Thanks for visiting!



There have been a good deal of inaccurate and misleading reports in the news lately about the upcoming incandescent phase out. In fact, even **NBC Nightly News got it wrong** when they recently said that the government is requiring people to switch to CFLs (compact fluorescent lamps).

The buzz is all about the **Energy Independence and Security Act of 2007** (EISA 2007), signed by George W. Bush. The law was designed to reduce energy usage ***and*** greenhouse gas emissions. Part of that law involves new standards for light bulbs (called "lamps" in the lighting industry). The first step toward implementing those standards is set to go into effect in just a little over 9 months (January 1, 2012), hence the recent news reports.

This week, we are going to publish a series of blog posts to educate you all about the upcoming phase out. We'll write a post a day (details about new legislation do not exactly make for light reading).

By the end of the week, you will be an expert. At the very least, you'll be better informed than NBC's Chief Environmental Affairs Correspondent!

We'll start off with **three basic facts about the EISA 2007** that will eliminate a number of misconceptions right off the bat:

- First of all, the law does ***not*** ban incandescent A-line light bulbs, nor does it mandate the use of CFLs. It simply sets new standards in efficiency for light bulbs.
- Today's standard A-line incandescent light bulbs (the ones that most of us use around our homes or apartments), including the 100W, 75W, 60W, and 40W will ***eventually*** no longer be available for sale because they currently do not meet the new efficiency standards.
- The phase out is rolling; therefore the 100W light bulb will be the first eliminated. On January 1, 2012, today's 100W incandescent light bulbs may no longer be ***manufactured or imported***. However, stores will be able to sell any remaining inventory. The 75W light bulbs will be affected on January 1, 2013 and the 60W and 40W light bulbs will be affected on January 1, 2014.

Stay tuned this week for more information!

Related Posts:

- Never Judge a Light by its Wattage
- Political Pulls with Energy Efficient Lighting
- Lighting Facts Label Update

Links

Chris' Blog (Our VP)
Contact Us
Help Desk
Living with Light: A Photo Blog
Our Products
Shop Pegasus Lighting
Sign up for Our Newsletter

Categories

Buyer's Guides (8)
Light Bulbs (1)
Lighting News (68)
Lighting Projects (26)
Lighting Tips (77)
One Liners (2)
Pegasus Lighting Roundup (20)
Pegasus News (61)
Thoughts on Light (23)

Recent Posts

Cheat Sheet for Choosing LED Recessed Light Retrofit Modules
New Lighting Technology to Retrofit Recessed Lights
A "Regular Person Review" of an LED
Classroom Lighting Impacts Learning: Research Study
Will the Future of Fluorescent Lighting Be Shaky?

Twitter

Follow @PegasusLighting

If only we could send the guy in the photo to help with your LED retrofit :) http://ow.ly/66C9h

Cheat Sheet for Choosing LED Recessed Light Retrofit Modules http://t.co/zO8pgam

Good article in the Washington Post .. http://t.co/oRjSpFi

Top 10 Energy Wasters in Your Home: http://ow.ly/66IA5 (#4 is lights .. reduce your bill by 50-75% by going #green with efficient bulbs)

1987. Act March 17, 1987, in subsecs. (a) and (b) inserted the subsec. catchlines.

CROSS REFERENCES

This section is referred to in 42 USCS § 6316.

RESEARCH GUIDE

Am Jur:

27 Am Jur 2d, Energy and Power Sources § 103.

§ 6300. Exports

This part [42 USCS §§ 6291 et seq.] shall not apply to any covered product if (1) such covered product is manufactured, sold, or held for sale for export from the United States (or such product was imported for export), unless such product is in fact distributed in commerce for use in the United States, and (2) such covered product when distributed in commerce, or any container in which it is enclosed when so distributed, bears a stamp or label stating that such covered product is intended for export.

(Dec. 22, 1975, P. L. 94-163, Title III, Part B, § 330, 89 Stat. 928.)

CROSS REFERENCES

This section is referred to in 42 USCS § 6316.

RESEARCH GUIDE

Am Jur:

27 Am Jur 2d, Energy and Power Sources § 99.

§ 6301. Imports

Any covered product offered for importation in violation of section 332 [42 USCS § 6302] shall be refused admission into the customs territory of the United States under rules issued by the Secretary of the Treasury, except that the Secretary of the Treasury may, by such rules, authorize the importation of such covered product upon such terms and conditions (including the furnishing of a bond) as may appear to him appropriate to ensure that such covered product will not violate section 332 [42 USCS § 6302], or will be exported or abandoned to the United States. The Secretary of the Treasury shall prescribe rules under this section not later than 180 days after the date of enactment of this Act [Dec. 22, 1975].

(Dec. 22, 1975, P. L. 94-163, Title III, Part B, § 331, 89 Stat. 928.)

CROSS REFERENCES

This section is referred to in 42 USCS § 6316.

§ 6302. Prohibited acts

(a) In general. It shall be unlawful—

(1) for any manufacturer or private labeler to distribute in commerce any

new covered product to which a rule under section 324 [42 USCS § 6294] applies, unless such covered product is labeled in accordance with such rule;

(2) for any manufacturer, distributor, retailer, or private labeler to remove from any new covered product or render illegible any label required to be provided with such product under a rule under section 324 [42 USCS § 6294];

(3) for any manufacturer to fail to permit access to, or copying of, records required to be supplied under this part [42 USCS §§ 6291 et seq.], or fail to make reports or provide other information required to be supplied under this part [42 USCS §§ 6291 et seq.];

(4) for any person to fail to comply with an applicable requirement of section 326(a), (b)(2), (b)(3), or (b)(5) [42 USCS § 6296(a), (b)(2), (3), or (5)];

(5) for any manufacturer or private labeler to distribute in commerce any new covered product which is not in conformity with an applicable energy conservation standard established in or prescribed under this part [42 USCS §§ 6291 et seq.], except to the extent that the new covered product is covered by a regional standard that is more stringent than the base national standard; [or]

(6) for any manufacturer or private labeler to knowingly sell a product to a distributor, contractor, or dealer with knowledge that the entity routinely violates any regional standard applicable to the product. [; or]

[(7)](6) for any manufacturer, distributor, retailer, or private labeler to distribute in commerce an adapter that—

(A) is designed to allow an incandescent lamp that does not have a medium screw base to be installed into a fixture or lampholder with a medium screw base socket; and

(B) is capable of being operated at a voltage range at least partially within 110 and 130 volts.

(b) Definition. For purposes of this section, the term "new covered product" means a covered product the title of which has not passed to a purchaser who buys such product for purposes other than (1) reselling such product, or (2) leasing such product for a period in excess of one year.

(Dec. 22, 1975, P. L. 94-163, Title III, Part B, § 332, 89 Stat. 928; March 17, 1987, P. L. 100-12, § 11(a)(3), (b)(5), 101 Stat. 125; Dec. 19, 2007, P. L. 110-140, Title III, Subtitle A, § 306(b), Subtitle B, § 321(e), 121 Stat. 1559, 1586.)

HISTORY; ANCILLARY LAWS AND DIRECTIVES

Explanatory notes:

In subsec. (a)(5), "or" has been enclosed in brackets to indicate the probable intent of Congress to delete it.

In subsec. (a)(6), "; or" has been inserted to brackets to indicate the probable intent of Congress to substitute it for the concluding period.

In subsec. (a), the bracketed paragraph designator "(7)" has been inserted in order to maintain numerical continuity.

Amendments:

1987. Act March 17, 1987, in subsec. (a), inserted the subsec. catchline, in

State of Wisconsin
2011 - 2012 LEGISLATURE

LRB-2410/P1
MDK:wlj:jf

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

AN ACT ***to create*** 134.08 of the statutes; **relating to:** certain incandescent light bulbs manufactured and sold in this state.

Analysis by the Legislative Reference Bureau

This is a preliminary draft. An analysis will be provided in a subsequent version of this draft.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 134.08 of the statutes is created to read:

134.08 Incandescent light bulbs. (1) LEGISLATIVE FINDINGS. (a) The 10th Amendment of the U.S. Constitution guarantees to the states and their people all powers not granted to the federal government elsewhere in the Constitution and reserves to the state and people of Wisconsin certain powers as they were understood at the time that Wisconsin was admitted to statehood in 1848. The guaranty of those powers is a matter of contract between the state and people of Wisconsin and the United States dating from the time Wisconsin became a state.

Same (91)

(b) The 9th Amendment the U.S. Constitution guarantees to the people rights not granted in the Constitution and reserves to the people of Wisconsin certain rights as they were understood at the time that Wisconsin became a state. The guaranty of those rights is a matter of contract between the state and people of Wisconsin and the United States dating from the time Wisconsin became a state.

a (c) In 2007, the U.S. Congress passed the Energy Independence and Security Act, P. L. 110-140. Section 321 of that act, which is codified in pertinent part as 42 USC 6295 (i), bans the sale of certain incandescent light bulbs in the United States beginning in 2012.

b (d) The legislature declares that an incandescent light bulb manufactured in Wisconsin that remains within the borders of Wisconsin has not traveled in interstate commerce and is not subject to federal law or federal regulation under the authority of the U.S. Congress to regulate interstate commerce.

(2) DEFINITIONS. In this section:

(a) "Generic and insignificant part" means an item that has manufacturing or consumer product applications other than inclusion in an incandescent light bulb.

(b) "Incandescent light bulb" means a standard incandescent or halogen light bulb that satisfies all of the following:

1. The light bulb is intended for general service applications.

2. The light bulb has lumen range of not less than 310 lumens and not more than 2,600 lumens.

3. The light bulb is capable of being operated at a voltage range at least partially within 110 and 130 volts.

(c) "Manufactured in this state" means, with respect to an incandescent light bulb, that the incandescent light bulb is manufactured in this state from materials

located in this state and without the inclusion of any part imported from another state other than a generic and insignificant part.

(3) INAPPLICABILITY OF FEDERAL REGULATION. An incandescent light bulb that is manufactured in this state and remains in this state is not subject to federal law or federal regulation under the authority of the U.S. Congress to regulate interstate commerce.

(4) MARKETING. An incandescent light bulb ~~manufactured and sold~~ in this state ~~must have~~ the words "Made in Wisconsin" clearly stamped on it.

(5) ATTORNEY GENERAL. Upon receipt of written notification by a person that the person intends to manufacture an incandescent light bulb in this state, the attorney general may seek a declaratory judgment from the appropriate federal district court that this section is consistent with the U.S. Constitution.

SECTION 2. Initial applicability.

(1) This act first applies to an incandescent light bulb that is manufactured on the effective date of this subsection.

SECTION 3. Effective date.

(1) This act takes effect on January 1, 2012, or the day after publication, whichever is later.

(END)

INSERT A:

In 2007, the U.S. Congress enacted the Energy Independence and Security Act (EISA) which, among other things, establishes energy efficiency requirements for general service incandescent light bulbs. Traditional incandescent light bulbs do not comply with the requirements. Under EISA, traditional incandescent light bulbs that are 100 watts may not be manufactured or imported after January 1, 2012; such bulbs that are 75 watts may not be manufactured or imported after January 1, 2013; and such bulbs that are 60 or 40 watts may not be manufactured or imported after January 1, 2014.

This bill declares that an incandescent light bulb that is manufactured in this state and that remains within the state's borders has not traveled in interstate commerce and is not subject to federal law or regulation under the authority of the U.S. Congress to regulate interstate commerce. The bill provides that such an incandescent light bulb is not subject to federal law or regulation under the interstate commerce authority of the U.S. Congress. Such federal law or regulation would include EISA. The bill defines "incandescent light bulb" as a standard incandescent or halogen light bulb that: 1) is intended for general service applications; 2) has lumen range of not less than 310 lumens and not more than 2,600 lumens; and 3) is capable of being operated at a voltage range at least partially within 110 and 130 volts. The definition encompasses traditional incandescent 40–100 watt light bulbs. Under the bill, an incandescent light bulb is manufactured in this state if it is manufactured in this state from materials located in this state and without the inclusion of any part imported from another state, other than a "generic and insignificant part," which is defined as an item that has manufacturing or consumer product applications other than inclusion in an incandescent light bulb.

The bill requires a person who manufactures an incandescent light bulb in this state for sale in this state to clearly stamp the words "Made in Wisconsin" on the light bulb. The bill also allows the attorney general, upon receiving a written notification that a person intends to manufacture an incandescent light bulb in this state, to seek a declaratory judgment from the appropriate federal district court that the bill is consistent with the U.S. Constitution.